

REMARKS

The Office Action mailed April 13, 2010 has been received and reviewed. Claims 1-5, 8-16, 18-23, 25, 26, and 28-46 are pending in the subject application. Claims 1, 2, 4, 5, 8, 13, 18, 25, 28, 32, 39, and 41 have been amended. Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested.

Rejections based on 35 U.S.C. § 101

Claims 1-5, 8-16, 18-23, 25-26, and 32-45 were rejected under 35 U.S.C. § 101 on the grounds that the claimed invention allegedly is directed to non-statutory subject matter. It is indicated in the Office Action that claims 1-5, 8-16, 18-23, 25-26 and 32-45 should be amended to recite “non-transitory computer-readable media” so that they would not read on signals. In the interest of advancing this prosecution, Applicants have amended each of independent claims 1, 8, 13, 18, 25, 32, 39, and 41 to recite “non-transitory computer-readable media.” Accordingly, Applicants respectfully submit that each of claims 1, 8, 13, 18, 25, 32, 39, and 41 are directed toward statutory subject matter. Further, at least by reason of their respective dependencies from independent claims 1, 8, 13, 18, 25, 32, 39, and 41, claims 2-5, 9-12, 14-16, 19-23, 26, 33-38, 40, and 42-45 are directed toward statutory subject matter. Thus, we respectfully request withdrawal of the 35 U.S.C. § 101 rejections of these claims.

Rejections based on 35 U.S.C. § 102(e)

Claims 8-12, 18-23, 32-38, 43, and 44 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bravin.¹ Because Bravin fails to disclose every one of the features of any of claims 8-12, 18-23, 32-38, 43, and 44, as selectively amended herein, Applicants respectfully submit that these claims are patentable over the cited art.

¹ Bravin et al., U.S. Publication No. 2006/0026001.

Independent claim 8 now recites “wherein directing said communications request to a specific agent includes selecting said specific agent prior to when said communications request reaches a telephony server, thereby substantially eliminating any delay between receiving said communications request at said telephony server and directing said request to said selected agen.” As indicated in the Office Action, Bravin fails to describe identifying a specific agent prior to when a communication request reaches a telephony server. *Office Action*, p. 13. It follows, then, that Bravin also fails to describe directing said communications request to a specific agent includes selecting said specific agent prior to when said communications request reaches a telephony server, as recited in the claim.

For at least these reasons, Bravin fails to disclose all of the features of previously presented independent claim 8 (and thus its dependent claims as well: 9, 10, 11, and 12). We respectfully request that the obviousness rejections of claims 8-12 be withdrawn.

Independent claim 18 now recites “based on said signaling information and said profile data, denoting a hierarchy of two or more of said plurality of agents to facilitate said communications request; and routing said communications request to one of said two or more of said plurality of agents in said hierarchy, who is able to receive said communications request and facilitate said call.” Bravin fails to describe this feature. Although Bravin was cited in the Office Action as disclosing “denoting a hierarchy (for example, the ‘hierarchy’ is based on the particular language in which the relay interpreter is skilled in . . .) of one or more of said plurality of agents to facilitate said communication request.” *Office Action*, p. 15. However, Applicants respectfully submit that Bravin describes denoting a particular agent (i.e., one agent), but does not describe denoting a hierarchy of two or more agents.

For at least these reasons, Bravin fails to disclose all of the features of amended independent claim 18 (and thus its dependent claims as well: 19, 20, 21, 22, 23, 43, and 44). We respectfully request that the obviousness rejections of claims 18-23, 43, and 44 be withdrawn.

Independent claim 32 now recites “monitoring a plurality of agents who may facilitate said communications request by serving as an intermediary, wherein said monitoring includes receiving and parsing a continuous feed of agent login events, agent status, and port capacity.” Bravin fails to disclose, either expressly or inherently, this feature. Bravin is cited in the Office Action as disclosing “monitoring a plurality of agents who may facilitate said communications request by serving as an intermediary.” *Office Action*, p. 16 (explaining that “monitoring” “may simply be the system maintaining a database/list of a plurality of relay interpreters, and the particular language in which each relay interpreter is skilled”). However, Bravin fails to describe wherein said monitoring includes receiving and parsing a continuous feed of agent login events, agent status, and port capacity, and Bravin is not relied upon as doing so.

For at least these reasons, Bravin fails to disclose all of the features of amended independent claim 32 (and thus its dependent claims as well: 33, 34, 35, 36, 37, and 38). Applicants respectfully request that the obviousness rejections of claims 32-38 be withdrawn.

Rejections based on 35 U.S.C. § 103(a)

A. Claims 1-5, 25-26, 28-31, 39-42 and 45-46 are nonobvious over Bravin and Lu at least because Bravin and Lu fail to describe the routing and hierarchy features, as recited in the claims.

Claims 1-5, 25-26, 28-31, 39-42 and 45-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bravin, in view of Lu.² Because the asserted combination of cited art fails to teach or suggest all of the features of any of claims 1-5, 25-26, 28-31, 39-42 and 45-46, as selectively amended herein, Applicants respectfully submit that these claims are patentable over the cited art.

Independent claim 1 now recites “routing said communications request to said specific agent, who is able to receive said communications request and facilitate said call, wherein routing said communications request to a specific agent includes selecting said specific agent prior to when said communications request reaches a telephony server, thereby substantially eliminating any delay between receiving said communications request at said telephony server and directing said request to said selected agent.” As indicated in the Office Action, Bravin fails to describe identifying said specific agent prior to when said routing requests reach a telephony server, as recited in the claim. *Office Action*, p. 13. It follows, then, that Bravin also fails to describe selecting said specific agent prior to when said communication request reaches a telephony server, as recited in the claim. Moreover, Lu fails to cure the deficiencies of Bravin in this regard and is not relied upon as doing so.

For at least these reasons, the asserted references, whether taken alone or in combination, fail to teach or suggest all of the features of amended independent claim 1 (and thus its dependent claims as well: 2, 3, 4, 5, and 42). Applicants respectfully request that the obviousness rejections of claims 1-5 and 42 be withdrawn.

Independent claim 25 now recites “wherein identifying an agent comprises: (a) retrieving a set of attributes associated with a calling source; (b) retrieving from a profiles

² Lu et al., U.S. Patent No. 6,611,590.

database, profile data related to each of said plurality of agents; (c) retrieving statistical data related to each of said plurality of agents; and (d) selecting a specific agent from said plurality of agents based on said set of attributes, said profile data, and said statistical data; and communicating said request to said identified receiving component, whereby said request can be routed to said identified agent immediately incident to being received by said receiving component.” There was no indication in the Office Action of which reference describes the features labeled “(a),” “(c),” or the feature of “communicating said request to said identified receiving component, whereby said request can be routed to said identified agent immediately incident to being received by said receiving component.” Further, Applicants are unable to find any disclosure in any of the cited portions of the art of record that teaches or suggests these features.

For at least these reasons, the asserted references, whether taken alone or in combination, fail to teach or suggest all of the features of amended independent claim 25 (and thus its dependent claims as well: 26 and 45). Applicants respectfully request that the obviousness rejections of claims 25, 26, and 45 be withdrawn.

Independent claim 28 now recites “one or more computer-readable media having computer-useable instructions embodied thereon for referencing said preferences database, said statistics manager, and said profiles database incident to receiving said communications request to designate a hierarchy of two or more of said plurality of agents to facilitate said communications request, wherein designating said hierarchy includes ranking each of the plurality of agents so that if a first selected agent is not available, the system suggests an alternative agent from the hierarchy.” Bravin fails to describe this feature. Although Bravin was cited in the Office Action as disclosing “denoting a hierarchy (for example, the ‘hierarchy’ is

based on the particular language in which the relay interpreter is skilled in . . .) of one or more of said plurality of agents to facilitate said communication request.” *Office Action*, p. 15. However, Applicants respectfully submit that Bravin describes denoting a particular agent (i.e., one agent), but does not describe denoting a hierarchy of two or more agents. Moreover, Lu does not cure the deficiencies of Bravin in this regard and is not relied upon as doing so.

For at least these reasons, the asserted references, whether taken alone or in combination, fail to teach or suggest all of the features of previously presented independent claim 28 (and thus its dependent claims as well: 29, 30, 31, and 46). We respectfully request that the obviousness rejections of claims 28-31 and 46 be withdrawn.

Independent claim 39 now recites “designating a hierarchy of two or more of said plurality of agents to facilitate said communications request, wherein designating said hierarchy includes ranking each of the plurality of agents so that if a first selected agent is not available, the system suggests an alternative agent from the hierarchy.” As discussed above with respect to similar features recited in independent claim 28, Applicants are unable to find any disclosure in the cited art of record that teaches or suggests this feature.

For at least these reasons, the asserted references, whether taken alone or in combination, fail to teach or suggest all of the features of amended independent claim 39 (and thus its dependent claim 41 as well). We respectfully request that the obviousness rejections of claims 39 and 41 be withdrawn.

Independent claim 41 now recites “routing each of said communications requests to a specific agent, wherein said specific agent possesses attributes consistent with at least a portion of the set of preferences and profile data, wherein routing said communications request to a specific agent includes selecting said specific agent prior to when said

communications request reaches a telephony server, thereby substantially eliminating any delay between receiving said communications request at said telephony server and directing said request to said selected agent.” As discussed above with respect to similar features recited in independent claim 1, Applicants are unable to find any disclosure in the cited art of record that teaches or suggests this feature.

For at least these reasons, the asserted references, whether taken alone or in combination, fail to teach or suggest all of the features of previously presented independent claim 41. We respectfully request that the obviousness rejection of claim 41 be withdrawn.

B. Claims 13-16 are nonobvious over Bravin and Shires at least because Bravin and Shires fail to describe an agent profiles database and selecting an agent before the telephony server receives a routed call.

Claims 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bravin in view of Shires.³ Because the asserted combination of cited art fails to teach or suggest all of the features of any of claims 13-16, Applicants respectfully submit that these claims are patentable over the cited art.

Independent claim 13 now recites “wherein routing said communications request to a specific agent includes selecting said specific agent prior to when said communications request reaches a telephony server, thereby substantially eliminating any delay between receiving said communications request at said telephony server and directing said request to said selected agent.” As indicated in the Office Action, Bravin fails to describe identifying said specific agent prior to when said routing requests reach a telephony server, as recited in the claim. *Office Action*, p. 13. It follows, then, that Bravin also fails to describe selecting said specific agent prior

³ Shires, U.S. Publication No. 2002/0085705.

to when said communication request reaches a telephony server, as recited in the claim. Moreover, Shires fails to cure the deficiencies of Bravin in this regard and is not relied upon as doing so. In contrast, Shires is cited in the Office Action as describing identifying said specific agent prior to when said routing requests reach a telephony server, as recited in the claim. *Id.* (referring to Fig. 2 of Shires and asserting that “the agent’s identification/ID is received by browser server 150, prior to the call being routed to telephony server 120”). However, the description in Shires, as cited, refers to an agent logging onto the browser server using the agent’s ID (thus identifying the agent to the server). *See, e.g., Shires*, ¶ [0030]. In contrast, independent claim 13 now recites “selecting” the agent prior to the call reaching the telephony server. Applicants are unable to find any description in Shires of selecting the agent prior to the call reaching the telephony server.

For at least these reasons, the asserted references, whether taken alone or in combination, fail to teach or suggest all of the features of amended independent claim 18 (and thus its dependent claims as well: 14, 15, and 16). We respectfully request that the obviousness rejections of claims 13-16 be withdrawn.

CONCLUSION

For at least the reasons stated above, claims 1-5, 8-16, 18-23, 25, 26, and 28-46 are in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-559-2440 or roughlin@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 21-0765.

Respectfully submitted,

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